

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

IN THE MATTER OF
JOHN DANILECKI

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Case No. 2024-048

SUSPENSION ORDER

The Respondent John Danilecki has entered into a Voluntary Disposition Agreement (“Agreement”), attached hereto and incorporated herein, under which he has agreed to the suspension of his certification as a law enforcement officer in the Commonwealth of Massachusetts for a period of five days, beginning on the date of execution of the Agreement by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and certain conditions outlined in the Agreement. See M.G.L. c. 6E, §§ 3(a) and 10; M.G.L. c. 30A, §§ 10 and 13.

Failure of the Respondent to abide by the terms and conditions of the Agreement shall result in the Agreement becoming void and may result in the Commission initiating adjudicatory proceedings against the Respondent; and seeking discipline against the Respondent based on any ground supported by the evidence obtained in a preliminary inquiry, whether or not it was covered in the Agreement, up to and including the possible revocation of the Respondent’s certification and entry of his information into the National Decertification Index. The Respondent has waived all rights to contest, in this or any other administrative or judicial proceeding to which the Commission is or may be a party, the factual findings, conclusions of law, terms and conditions, and other provisions contained in the Agreement.

Accordingly, it is hereby ORDERED that, for the reasons stated in the Agreement:

- (a) The Respondent’s law enforcement certification is hereby suspended for a period of five days, beginning on December 19, 2024, subject to the agreed-upon conditions;
- (b) During the period of suspension, the Respondent shall not perform police duties or functions on behalf of any law enforcement agency. The Respondent shall also refrain from all conduct prohibited by the Commission during the period of suspension; and
- (c) The Executive Director shall take the necessary steps to publish the Respondent’s name and suspension status in any publicly available lists and database published by the Commission.

By vote of the Commission on December 19, 2024.

Margaret R. Hinkle

Hon. Margaret R. Hinkle (Ret.), Chair

Notice: John Danilecki, Respondent
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Division of Police Standards
Boston Police Department, Law Enforcement Agency
Collective Bargaining Union

Complainant was standing in the intersection. The Respondent asserts that, while the Complainant was standing in the intersection, the Complainant was yelling at the Respondent and demanding that he (the Respondent) return the bat he had been holding. The Respondent changed direction to walk toward the Complainant, and the Complainant took approximately three steps in the direction of the Respondent. At that point, the Complainant stretched his arms out to his sides and stood in the intersection. The Respondent closed the distance between himself and the Complainant, and the Respondent conducted a leg sweep, causing the Complainant to fall to the ground.

7. After the Respondent took the Complainant to the ground, other officers arrived at the location, and the Complainant was released shortly thereafter. The Complainant was not arrested or charged with any crimes.

8. The Respondent's reported intent in taking the Complainant to the ground was to neutralize the Complainant's perceived threat to the Respondent. According to the Respondent, the Complainant was yelling profanities at the Respondent and demanding that the Respondent return the Complainant's bat, which the Respondent did not do. The Complainant was not assaultive at any point during the encounter.

9. BPD conducted an internal affairs investigation, which did not sustain any allegations relating to the Respondent's use of force. BPD sustained one allegation relating to the Respondent's failure to complete a necessary report relating to the incident. As a result, the Respondent was suspended for one day.

10. The City of Boston's Internal Affairs Oversight Panel ("IAOP"), a committee within the City's Office of Police Accountability and Transparency ("OPAT"), conducted a review of the facts and circumstances of the incident along with the discipline imposed by the Boston Police Department. The IAOP unanimously agreed with the findings and discipline imposed following the Boston Police Department's internal affairs investigation.

11. On July 1, 2021, the Respondent was automatically certified as a police officer in Massachusetts pursuant to St. 2020, c. 253 § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. He was recertified for a three-year period effective July 1, 2022, and his certification remains active.

12. On December 19, 2023, the Commission, pursuant to M.G.L. c. 6E, § 8(c)(2) and 555 C.M.R. § 1.02(4), authorized the Division to conduct a preliminary inquiry into allegations of misconduct included in a complaint filed with the Commission against the Respondent regarding the March 30, 2019, incident. The Respondent voluntarily participated in an interview with the Division's investigators. On August 9, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on August 15, 2024, the Commission authorized the initiation of disciplinary proceedings against the Respondent.

Legal Conclusions

13. Pursuant to M.G.L. c. 6E, § 3(a):

The [C]ommission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- (1) act as the primary civil enforcement agency for violations of [chapter 6E]; . . .
- (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable; . . .
- (23) restrict, suspend or revoke certifications issued under [chapter 6E];
- (24) conduct adjudicatory proceedings in accordance with chapter 30A;

14. Pursuant to M.G.L. c. 6E, § 14(a):

A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to: (i) effect the lawful arrest or detention of a person; (ii) prevent the escape from custody of a person; or (iii) prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm; provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the commission and the municipal police training committee.

The language in M.G.L. c. 6E, § 14(a) is mirrored in 555 C.M.R. § 6.04(1), which took effect on August 19, 2022. According to those regulations, an officer may also use force if it is “necessary and proportionate to . . . defend against an individual who initiates force against an officer.” 555 C.M.R. § 6.04(1)(d).

15. Pursuant to M.G.L. c. 6E, § 10(b)(iv), “[t]he [C]ommission may [...] suspend or revoke an officer's certification if the [C]ommission finds by clear and convincing evidence that the officer was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed.”

16. Pursuant to M.G.L. c. 6E, § 10(b)(v), “[t]he [C]ommission may [...] suspend or revoke an officer's certification if the [C]ommission finds by clear and convincing evidence that the officer has repeated sustained internal affairs complaints, for the same or different offenses.”

17. Pursuant to M.G.L. c. 6E, § 10(d)(ix), “[t]he [C]ommission may, after a hearing, order retraining for any officer if the [C]ommission finds substantial evidence that the officer would benefit from their job performance if retrained.”

18. Based on § 14(a) and § 6.04(1), the Respondent's use of force against the Complainant on March 30, 2019, described above, was not necessary or proportionate.

19. The Respondent's disciplinary history, described above in paragraph 2, constitutes "repeated sustained internal affairs complaints, for the same or different offenses."

20. Pursuant to M.G.L. c. 6E, § 10(h), the Commission may institute a disciplinary hearing after an officer's appointing agency has issued a final disposition on the alleged misconduct.

21. Pursuant to M.G.L. c. 30A, § 10, "[u]nless otherwise provided by law, agencies may . . . make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default."

Resolution

In view of the foregoing, the Commission has determined that the public interest would best be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions which have been agreed to by the Respondent:

22. The Respondent agrees to the suspension of his law enforcement officer certification in the Commonwealth of Massachusetts, based on the above factual findings and pursuant to M.G.L. c. 6E §§ 3(a), 10(b)(iv), and 10(b)(v), for a period of five days, beginning on the date this agreement is executed by the Commission.

23. During the five-day suspension period, the Respondent shall not perform police duties or functions on behalf of any law enforcement agency. The Respondent shall also refrain from all conduct prohibited by the Commission during the period of suspension.

24. In addition to the five-day suspension, the Respondent agrees that he would benefit in his job performance by undergoing additional training on use of force protocols. The Respondent agrees to complete retraining as approved by the Commission and coordinated through the Municipal Police Training Committee, based on the above factual findings and pursuant to M.G.L. c. 6E, §§ 3(a), and M.G.L. c. 6E, § 10(d)(ix).

25. The Respondent agrees that, if he should fail to abide by any of the terms and conditions of this agreement, this agreement shall become void, and the Division may, without prior notice to the Respondent, take the following steps:

- a. initiate adjudicatory proceedings against the Respondent;

- b. seek discipline against the Respondent based on any ground supported by the evidence in its preliminary inquiry, including grounds beyond those covered by this agreement; and
- c. seek any level of discipline supported by the evidence, up to and including the revocation of the Respondent's certification and the entry of his information onto the National Decertification Index.

26. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this agreement in any administrative or judicial forum to which the Commission is or may be a party.

27. The Respondent acknowledges that, once this Agreement and any Order of Suspension issued by the Commission are executed, they will be public documents and will be published on the Commission's website pursuant to M.G.L. c. 6E, § 10(g). Furthermore, the status of the Respondent's certification will be publicly available on certain lists and databases published by the Commission.

28. This Agreement shall be effective as of the date it is approved by the Commission.

12/9/2024

Date



Respondent

12/19/2024

Date

Margaret R. Hinkle

Margaret R. Hinkle, Chair